IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 31826 of 2006(L)

PETITIONER:

K.P.HAMZA, S/O.MOIDEEN HAJI,
IRUMPUZHI DESOM, ERANAD TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

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1. THE SPECIAL TAHSILDAR (GENERAL),
LAND ACQUISITION, MALAPPURAM.

2. THE DISTRICT PANCHAYATH,
MALAPPURAM, REPRESENTED ITS SECRETARY.

3. AANAKKAYAM GRAMA PANCHAYATH,
MALAPPURAM,
REPRESENTED BY ITS SECRETARY.

4. THE EXECUTIVE ENGINEER (PWD),
BUILDING DIVISION,
MALAPPURAM.

5. THE SECRETARY,
GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

BY G.P. SRI.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO.31826 of 2006

Dated this 30th day of November, 2006

JUDGMENT

The grievance of the petitioner is that the rent payable by the 3rd respondent Panchayat for his building comprised in Re-Sy. Nos. 341/1 and 341/3, which is being occupied by the Panchayat's school (G.M. U.P.School), is not paid to him. Ext.P5 representaion was submitted by the petitioner before the Panchayat pursuant to Ext.P3 direction issued by this court. The petitioner contends that even as Ext.P5 is under consideration, the Panchayat made a request before the Government for acquisition of the property under the Provisions of the Land Acquisition Act upon which the Government has issued Ext.P6 notification under Section 4 (1) of the Land Acquisition Act. I am of the view that the promulgation of the notification shall not stand in the way of the petitioner recovering the amounts which are already due to him by way of arrears of rent.

2. Under the above circumstances, the writ petition will

stand disposed of directing the 3rd respondent Panchayat to take up Ext.P5 immediately, hear the petitioner and take a decision on Ext.P5 uninfluenced by promulgation of Ext.P6. Decision as directed above shall be taken by the Panchayat at its earliest and and at any rate within one month of their receiving a copy of this judgment.

PIUS C.KURIAKOSE
Judge

dpk